



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 6400-14
22 July 2015

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW NAVAL RECORD OF [REDACTED], USMC,
XXX-XX-[REDACTED]

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149 with attachments
(2) Case summary with attachments
(3) Subject's naval record (excerpts)

1. Pursuant to the provisions of reference (a), Petitioner, an enlisted member of the Marine Corps, filed enclosure (1) with this Board requesting that his naval record be corrected by removing any and all references to the nonjudicial punishment (NJP) imposed on 25 May 2013. This request includes, and is not limited to, removal of the NJP, any administrative remarks (Page 11) entries, and all references thereto from her Official Military Personnel File (OMPF), Electronic Service Record (ESR), and the Marine Corps Total Force System (MCTFS).

2. The Board, consisting of [REDACTED] reviewed Petitioner's allegations of error and injustice on 20 April 2015 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations, and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner received NJP on 25 May 2013 for failure to obey a lawful order. The punishment imposed was reduction to paygrade E-2, a \$1,698 forfeiture of pay, and restriction and extra duty for 45 days.

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d. On 5 February 2014, the commanding officer who imposed the NJP, submitted a letter setting it aside. The letter stated in essence, that after a period of observation he noticed a complete transformation of Petitioner and as such decided to set aside the NJP. The set aside also noted that Petitioner's was to have all rights, privileges, and property affected by virtue of the NJP restored.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the commanding officer's letter to set the NJP aside, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board concludes that since the commanding officer set aside the NJP, all references in his record regarding it should be removed or obliterated. With that being said, any and all documents, to include, but not limited to, the Unit Punishment Book entry, Administrative Remarks (Page 11) entries, and any other references, should be expunged from the record.

In view of the foregoing, the Board finds the existence of an error and injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by totally obliterating or removing the 25 May 2013 NJP and all other references thereto.

b. That Petitioner's naval record be corrected by removing all references to the reduction to paygrade E-2 and that all rights, privileges, and property affected by virtue of the NJP be restored.

c. That any and all materials or entries inconsistent with or relating to the Board's recommendation be corrected, removed, or completely expunged from Petitioner's record and that no such entries or materials be added to the record in the future.

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4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c), it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.



T. J. REED
Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulation, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



ROBERT J. O'NEILL
Executive Director